



## Lamoine Board of Selectmen

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### Minutes of April 7, 2011

Selectman Richard Fennelly Jr. called the meeting to order at 7:00 PM

Present were: Selectmen Richard Fennelly Jr., William Brann, Gary McFarland, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Kathleen DeFusco and Stewart Workman.

**Agenda Review** – The board agreed to move item 7C (request for rezoning) closer to the top.

**Minutes of March 17, 2011** – Richard presented a couple of written minor corrections. Cynthia moved to approve the minutes as corrected. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Expenditure Warrant 19** – Stu reported the 3-page warrant included two payrolls. Selectmen signed the warrant in the amount of \$34,520.55.

**Cash & Budget Report** – Richard asked about the expected expenditure line on the municipal side of the budget being low in comparison to the percentage of the year passed. Stu confirmed that paving was the largest component of the comparison, as that will be done in May or June.

**Checking Account Reconciliation** – Selectmen signed the form expressing satisfaction with the reconciliation of the checking account.

**Excise Tax Report** – Richard said he thought last year's excise tax collection was low, but this year is tracking even lower. Stu said that was accurate, but the first week of April was pretty good for excise tax.

**Maine Municipal Health Trust** – Stu reported there was a bunch of paper work that needed to be signed to get the ball rolling on the Maine Municipal Association Health Insurance plan. Cynthia moved to approve the participation agreement and the letter of intent. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.** Selectmen present signed the participation agreement, all but Cynthia signed the letter of intent (Stu said he had not put a signature place on the letter because he was mistakenly under the impression that Cynthia would not be in attendance this evening.)

**Zoning Change Request** – Stu reported that Mr. Workman met with the Planning Board earlier this week and the Planning Board asked that this be on their next agenda to discuss the merits and process of possibly altering the residential zone between Buttermilk Road and Douglas Highway. He said he told the Planning Board that the Selectmen had been discussing this area as a potential for business interest.

Richard asked if the proposal by Mr. Workman is a permitted use. Stu said only within 800-feet of Douglas Highway. Mr. Workman said he would like to see the zoning

change for possible future use. A lengthy discussion followed regarding the area that is under consideration for a zone change.

Richard said the Board has talked about encouraging business on that strip away from Douglas Highway. Stu said he mentioned that to the Planning Board, but there has been no definitive action taken by the Selectmen. Richard noted that the issue had previously been discussed by the Selectmen and Planning board. Stu said the Planning Board will probably have some philosophical discussion at its' next meeting

Richard asked Mr. Workman if he was present to inquire about the future use of his land. Mr. Workman confirmed that was correct. Bill asked if it involved just Mr. Workman's land or the entire area between Buttermilk and Douglas Highway. Richard said the initial discussion was about the whole area. He asked if any action was needed tonight. Stu said maybe some Selectmen could visit the next Planning Board meeting.

**Boston Post Cane** – Stu reported that the previous holder of the Boston Post Cane, Jennie Neleski, had passed away, and next in line as Lamoine's oldest resident is Merrill Boynton. He said he's had a nagging concern that the cane could become lost and asked if maybe the recipient should get a certificate with the cane remaining at the town hall and a notation of who the holder is. Richard said that decision should be up to the recipient. Selectmen instructed Stu to contact Mr. Boynton and invite him to the next meeting to receive the cane, if he's available to do so.

**Improper Dumping Complaint** – Richard said he would prefer to have the full board present before taking any action. Cynthia said the person allegedly involved should be invited. William asked if someone could represent the alleged violator. Stu said that might be preferable. He said he could write to the alleged violator and invite him to the next meeting.

Richard said he's disappointed that the alleged violation has taken place. William asked if there was an immediate action required. Stu said he would remind the alleged violator of what was agreed to the last time this issue was dealt with. Cynthia said the transfer station manager needs to be told what is going on and to keep monitoring the situation. Stu said if more specific facts become know, the transfer station manager should share those. Cynthia noted that she might not be present at the next meeting. She said she hates that the board has to deal with this issue.

**PERC Tonnage** – Stu said the tonnage sent to PERC in the 1<sup>st</sup> quarter of this year is up 43%. He said he has itemized the tickets at the request of Pine Tree Waste so they can find out what is going on. Richard asked if the PERC scales could be faulty. Discussion followed on the various possible causes. It was suggested to have the transfer station manager track how many dumpsters are filled at the end of each day to help determine what ought to be the weight at PERC.

**Returnables** – Selectmen had no objection to the Historical Society being the April beneficiary for the returnables at the transfer station. Stu noted there are no other applications that have been submitted.

**Water Testing** – Stu reported the Maine Department of Environmental Protection (DEP) sent an e-mail earlier in the day following the tests at the Coleman well and found no results that would require filtration. He said the filter has been installed in the Wardwell home, the paperwork has all been completed, and he has submitted for state reimbursement, which the DEP indicated they have received.

Richard moved to accept a proposal from MAI Environmental for the bi-annual testing of the wells installed around the landfill. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Recycling Processing** – Stu reported he analyzed the costs of the offers from the City of Ellsworth and Coastal Recycling. He explained that the unloading time was the problem for Pine Tree Waste, thus they are charging \$100 more per trip to Coastal as opposed to Ellsworth. Richard asked what the recommendation was. Stu said it would be Coastal Recycling. Gary moved that the town continue to send its recycling to Coastal Recycling. Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0.** A brief discussion followed on the agreement between the Acadia Disposal District and Ellsworth.

**Ordinance Signings** – Cynthia asked why a copy of each changed ordinance was placed in the packets. She said it was an awful lot of paper used. Selectmen signed the following ordinances with the amendments that were approved at the March town meeting:

Building & Land Use Ordinance (a correction to the town meeting date was hand written)  
Campground Ordinance  
Mobile Home Park Ordinance  
Gravel Ordinance  
Shoreland Zoning Ordinance  
Site Plan Review Ordinance

**Ordinance Fees** – Stu reported the Planning Board suggested a workshop meeting with the Selectmen to set the new fees schedule. Selectmen requested some analysis be done to come up with some of the costs of doing business prior to a workshop. Cynthia suggested setting up the workshop and seeing who from the Board of Selectmen could attend. Gary and Cynthia offered to attend if possible.

**Shoreland Zoning Violation** – Stu reported that Mr. Seibel who has been ordered to remove his deck has declined the offer of a consent agreement that would extend his time to do so. He said the ball is back in the Selectmen's court. Richard said he was disappointed that Mr. Seibel would take this position. Gary said the Selectmen met his request to extend the removal time, and he keeps coming back for more. Richard said he's not interested in becoming more accommodating. A short discussion followed. Richard moved to ask the town attorney to do what is necessary to bring the property into compliance. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Gravel Ordinance Violation** – Stu reported that he spoke with the town attorney earlier in the week and he had not begun anything in regard to the Goodwin case, but said he

would. He said that the Planning Board held the public hearing on the two permits and that he conveyed the request of the Selectmen that the permit not expire any later than 3-years after the last expiration.

**Sweeping Bids** – Selectmen had no objection to requesting road sweeping bids as drafted. Stu said he would get those right out.

**Town Office Overhang** – Stu said he was looking for suggestions on how to draw up specifications to bid out the project for next summer to replace the overhang at the entrance of the town hall. Selectmen suggested contacting known carpenters for advice.

**Bloomfield Park Privy** – Stu reported that the site evaluator would be at the site on Friday, and that the project falls within the Shoreland Zone, and therefore will need a permit in addition to the plumbing permit, and to have a stake set at the 100-foot setback. He said the estimate on the project from Richard McMullen was \$3,000 and the Parks Commission has recommended that Mr. McMullen be retained to do the project. There was no objection from the Selectmen. Cynthia asked whether bidding was required. Stu said the project was less than \$5,000, therefore no bid was required.

**Appointments** – Richard moved to appoint Kathleen DeFusco as the full Budget Committee member to serve out the vacancy created by the death of Reggie McDevitt. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

The board opted to take no action on appointments of alternates to the Budget Committee and Appeals Board until potential appointees could be contacted.

**General Office Policy** – Stu reported that he had included suggestions from Bill and Cynthia in the latest draft, including a reconfiguration of the Administrative Assistant's job description to group items by task. He said the issue of benefits has been placed into the general policy and removed from the job descriptions.

Cynthia referred to two potential changes in the Road Commissioner and Local School Advisory job descriptions. There was no objection to the two changes and the documents should be ready for final approval next meeting.

**Other Business** – Bill reported on the collaboration meeting that he and Board Chair Jo Cooper attended. Jo had left a written report. Bill said there might be some merit to participating. He said the group broke things into four areas of interest, including roads, human resources, solid waste and public safety. He said Mt. Desert is conducting a human resources study and might be willing to share some of the findings. Stu reported that he informally discussed some solid waste issues with Trenton at a previous collaboration meeting.

Bill said elected officials will meet next on May 25, 2011 and he's willing to sit in with one group if someone else sits on another. He said he thinks the collaboration idea might grow some legs. He said the group does not plan to meet often.

**Shellfishing** – Richard reported that a conservation project will take place on the Jordan River this coming weekend. He said seed would be removed from behind Bear Point Way to Deer Run and relocated to the upper part of the river. He said there will likely be a conservation closure for 30-days.

Richard said there is a fair bit of work to narrow down the source of pollution in the Skillings River. He said the initial indications are that the source is agricultural, and the group will try to address it in a way that there is no cost. He also noted that fecal coliform levels in upper Hog Bay were very high, and that could be closed. He said it was discovered that someone was dumping kitty litter waste on the banks, and that is a potential source. He said some public education would be helpful.

Richard said the joint municipal board requires that a municipal officer serve or an alternate be appointed. There was a discussion about changing ordinance language, and discussion about licenses, applications, and the number of potential jobs from protecting the flats.

**Public Sand Pile** – Gary asked if the public sand pile issue had been resolved. Stu said he spoke with Richard McMullen and they will work on a program over the summer in time for the next snow season.

**Cable TV** – Stu reported that the electricians have been busily rewiring the CTV room. Richard asked if reception will be better. Stu replied that was the goal, as well as making it more user friendly.

**Next Meetings** – The Board of Selectmen meet next on April 21, May 5, May 19, June 2, June 16, and possibly June 30. The board opted not to set the meeting dates yet for July and August.

There being no further business, the meeting adjourned at 8:47 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen